



Office of the Attorney General

State of Texas

September 10, 1998

DAN MORALES

ATTORNEY GENERAL

Ms. Roxann Pais
Assistant City Attorney
Criminal Law and Police Division
Municipal Building
Dallas, Texas 75201

OR98-2141

Dear Ms. Pais:

You ask that we reconsider our decision in Open Records Letter No. 98-1190 (1998). Your request for reconsideration was assigned ID# 117932.

Open Records Letter No. 98-1190, which involved a request for records of a murder investigation, held that the Dallas Police Department (the "department") had not established the applicability of Government Code section 552.108(a) to the requested information. We have reviewed your arguments for withholding the information based on this exception. We believe that the department has established that the release of the information "would interfere with the detection, investigation, or prosecution of crime." Section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). Such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic information, the department may withhold the information from disclosure based on section 552.108(a)(1). Open Records Letter No. 98-1190 (1998) is overruled to the extent that it conflicts with this decision.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Kay Hastings", is positioned above the typed name.

Kay Hastings
Deputy Chief
Open Records Division

KHH/mjc

Ref.: ID# 117932

Enclosures: Submitted documents

cc: Mr. Virgil Murray
225 Beachwood Loop
Trinidad, Texas 75163
(w/o enclosures)